

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

CITY OF DALLAS, §
§
Plaintiff, §
§
v. § Case No. 3:23-cv-02367-K
§
TRIPLE D GEAR, LLC, §
§
Defendant. §

DEFENDANT'S MOTION TO AMEND SCHEDULING ORDER

Defendant Triple D Gear, LLC, herein moves this Court to amend its *Scheduling Order* [Doc No. 22] to allow additional time in which the parties may amend their pleadings.

1. The current deadline to amend pleadings in this matter is July 1, 2024. Mediation is currently set for July 29, 2024 and must be completed by no later than August 1, 2024.
2. Defendant has recently discovered facts that could form the basis of infringement counterclaims against Plaintiff in this matter but would prefer wait until after the scheduled mediation with the hope for settlement before seeking to create a bigger dispute than now exists.
3. The potential counterclaims are the result of Defendant's recent discovery of a store operated by the City of Dallas in which apparel and other items featuring the contested logos that underlie the instant case are being sold. This store is operated only a few hours a week, and appears to be designed to validate commercial use by the City of Dallas regarding its current application before the USPTO regarding the currently stalled application for sale of clothing and stationary in S/N 90132560. This storefront and the products sold there represent infringement of Defendant's trademark on the part of Plaintiff.
4. Defendant is hopeful that mediation of this matter will result in complete resolution of all claims currently at issue, as well as the issue of the infringing storefront. Since Defendant's

counterclaims may be obviated by mediation, and in the interest of avoiding unnecessary attorney fees for both parties, Defendant requests an amendment to this Court's scheduling order, allowing both parties to amend pleadings during the month after the completion of mediation should a final resolution not be reached, rather than file a contested motion for leave unnecessarily.

5. Defendant requests that the deadline to amend pleadings in the instant case be pushed back to one month after the date of mediation from July 29, 2024 to Thursday, August 29, 2024.

PRAYER

WHEREFORE, Defendant Triple D Gear, LLC respectfully requests that the Court enter the proposed Order filed as an attachment hereto, amending the deadline for amended pleadings in its original scheduling order.

Respectfully submitted,

/s/ Warren V. Norred
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CERTIFICATE OF CONFERENCE: I hereby certify that on June 25, 2024 I have conferred with counsel for Plaintiff Megan M. O'Laughlin at molaughlin@hitchcockevert.com and Anne M. Turner at aturner@hitchcockevert.com regarding the foregoing motion and the relief sought therein. Plaintiff's counsel indicated by return email on June 26th that her client is opposed.

/s/ Warren V. Norred
Warren V. Norred

CERTIFICATE OF SERVICE: I hereby certify that on June 27, 2024, a true and correct copy of the foregoing was served on Plaintiff's counsel of record Megan M. O'Laughlin at molaughlin@hitchcockevert.com and Anne M. Turner at aturner@hitchcockevert.com via the Court's CM/ECF system.

/s/ Warren V. Norred
Warren V. Norred